

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR**  
**Crl. Transfer A.No.S- 101 of 2020**

Date of hearing	Order with signature of Judge.
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**Fresh Case**

- 1.For orders on MA 7018/2020.
- 2.For orders on MA 7019/2020.
- 3.For hearing of main case.

**30-11-2020**

Mr. Deedar Ali M.Chohan Advocate for the Applicant.

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The applicant being accused by way of instant Criminal Transfer Application under Section 526 Cr.P.C has sought for transfer of his Sessions Case No.179 of 2014, arising out of Crime No.86 of 2014, registered at P.S, Sarhad, under Section 24 Sind Arms Act, 2013, from the Court of learned 1<sup>st</sup> Additional Sessions Judge (MCTC), Ghotki to any other competent Court of law having jurisdiction mainly for the reasons that the applicant has already been convicted and sentenced by the learned Presiding Officer in main murder case, therefore, the applicant has lost interest and confidence upon learned Presiding Officer to get the justice.

2. Heard learned counsel for the applicant and perused the entire record. The material placed on record by the learned counsel for the applicant does not show any mala fide on the part of the Presiding Officer of the trial Court. Mere apprehension in the mind of applicant that as he has been convicted and sentenced by the learned Presiding Officer in main case, therefore, he would not get justice at the hands of Presiding Office of the Court is no ground for transfer of the case. Apprehension must be reasonable and the reasonableness is to be decided at the peculiar facts and circumstances of each case. No cogent reason or proof has been placed on record by the learned counsel for the applicant, hence all the contentions are totally misconceived and contrary to law.

3. It is a well-established legal proposition that justice is to be done without fear or favour, hence, the Presiding Officers are equally to be

protected from frivolous transfer applications in order to achieve the transparent even-handed justice so that one of the litigant may not be in a position to overawe the Presiding Officer which may ultimately result in tilting the scales of justice under the fear of maligning, therefore, while exercising jurisdiction to transfer of cases from the sub-ordinate Courts, a balance has to be struck in order to ensure that the cases are not transferred merely on the basis of suppositions, unfounded and conjectural apprehensions. Thus, merely an adverse judicial order passed against a party, will not solely be a sufficient ground for transfer of the case as the aggrieved person has a remedy to challenge the order before a higher forum.

4. No other substantial ground or material has been brought on record on the basis whereof, it could be said that the learned trial Judge is either prejudiced or biased against the applicant, which may justify the transfer of the case. Resultantly, the instant Criminal Transfer Application along with listed applications being misconceived stands dismissed in limine.

**JUDGE**

Ahmad